

Effective 5/10/2016

58-64-302 Qualifications for licensure.

- (1) Each applicant for licensure as a deception detection examiner:
 - (a) shall submit an application in a form prescribed by the division;
 - (b) shall pay a fee determined by the department under Section 63J-1-504;
 - (c) shall be of good moral character in that the applicant has not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime which when considered with the duties and responsibilities of a deception detection examiner is considered by the division and the board to indicate that the best interests of the public will not be served by granting the applicant a license;
 - (d) may not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;
 - (e) may not be currently suffering from habitual drunkenness or from drug addiction or dependence;
 - (f) shall have completed one of the following:
 - (i) have earned a bachelor's degree from a four year university or college meeting standards established by the division by rule in collaboration with the board;
 - (ii) have completed not less than 8,000 hours of investigation experience approved by the division in collaboration with the board; or
 - (iii) have completed a combination of university or college education and investigation experience, as defined by rule by the division in collaboration with the board as being equivalent to the requirements under Subsection (1)(f)(i) or (1)(f)(ii);
 - (g) shall have successfully completed a training program in detection deception meeting criteria established by rule by the division in collaboration with the board; and
 - (h) shall have performed satisfactorily as a licensed deception detection intern for a period of not less than one year and shall have satisfactorily conducted not less than 100 deception detection examinations under the supervision of a licensed deception detection examiner.
- (2) Each applicant for licensure as a deception detection intern:
 - (a) shall submit an application in a form prescribed by the division;
 - (b) shall pay a fee determined by the department under Section 63J-1-504;
 - (c) shall be of good moral character in that the applicant has not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime which when considered with the duties and responsibilities of a deception detection intern is considered by the division and the board to indicate that the best interests of the public will not be served by granting the applicant a license;
 - (d) may not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;
 - (e) may not be currently suffering from habitual drunkenness or from drug addiction or dependence;
 - (f) shall have completed one of the following:
 - (i) have earned a bachelor's degree from a four year university or college meeting standards established by the division by rule in collaboration with the board;
 - (ii) have completed not less than 8,000 hours of investigation experience approved by the division in collaboration with the board; or
 - (iii) have completed a combination of university or college education and investigation experience, as defined by rule by the division in collaboration with the board as being equivalent to the requirements under Subsection (2)(f)(i) or (2)(f)(ii);

- (g) shall have successfully completed a training program in detection deception meeting criteria established by rule by the division in collaboration with the board; and
- (h) shall provide the division with an intern supervision agreement in a form prescribed by the division under which:
 - (i) a licensed deception detection examiner agrees to supervise the intern; and
 - (ii) the applicant agrees to be supervised by that licensed deception detection examiner.
- (3) Each applicant for licensure as a deception detection examination administrator:
 - (a) shall submit an application in a form prescribed by the division;
 - (b) shall pay a fee determined by the department under Section 63J-1-504;
 - (c) shall be of good moral character in that the applicant has not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that when considered with the duties and responsibilities of a deception detection examination administrator is considered by the division and the board to indicate that the best interests of the public will not be served by granting the applicant a license;
 - (d) may not have been declared by a court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;
 - (e) may not be currently suffering from habitual drunkenness or from drug addiction or dependence;
 - (f) shall have earned an associate degree from a state-accredited university or college or have an equivalent number of years' work experience; and
 - (g) shall have successfully completed a training program and have obtained certification in deception detection examination administration provided by the manufacturer of a scientific or technology-based software application solution that is approved by the director.
- (4) To determine if an applicant meets the qualifications of Subsection (1)(c), (2)(c), or (3)(c) the division shall provide an appropriate number of copies of fingerprint cards to the Department of Public Safety with the division's request to:
 - (a) conduct a search of records of the Department of Public Safety for criminal history information relating to each applicant for licensure under this chapter; and
 - (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant requiring a check of records of the F.B.I. for criminal history information under this section.
- (5) The Department of Public Safety shall send to the division:
 - (a) a written record of criminal history, or certification of no criminal history record, as contained in the records of the Department of Public Safety in a timely manner after receipt of a fingerprint card from the division and a request for review of Department of Public Safety records; and
 - (b) the results of the F.B.I. review concerning an applicant in a timely manner after receipt of information from the F.B.I.
- (6)
 - (a) The division shall charge each applicant a fee, in accordance with Section 63J-1-504, equal to the cost of performing the records reviews under this section.
 - (b) The division shall pay the Department of Public Safety the costs of all records reviews, and the Department of Public Safety shall pay the F.B.I. the costs of records reviews under this chapter.
- (7) Information obtained by the division from the reviews of criminal history records of the Department of Public Safety and the F.B.I. shall be used or disseminated by the division only for the purpose of determining if an applicant for licensure under this chapter is qualified for licensure.

Amended by Chapter 201, 2016 General Session